

August 6, 2007

Montana Medicaid Notice

Physicians, Mid-Level Practitioners, Dentists and Pharmacies

Tamper-Resistant Prescription Pad Requirement

This notice is for information only: The Department of Health and Human Services (the Department) does not recommend any specific actions until further guidance is issued from CMS on this issue.

The Centers for Medicare and Medicaid Services (CMS) will soon be releasing guidance to state Medicaid programs regarding a new law which requires the use of Tamper-Resistant Prescription Pads. At a yet to be determined date, Medicaid covered outpatient drugs will be reimbursable only if written prescriptions are executed on tamper-resistant pads. This requirement does not affect prescriptions that are called in, faxed or transmitted electronically (e-prescribed) to pharmacies.

Background

Congress enacted a new provision mandating the use of Tamper-Resistant Prescription Pads in Medicaid under the federal fiscal year (FFY) 2007 supplemental appropriations measure (P.L. 110-28). The language follows:

REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

1903 (i) — Payment under the preceding provisions of this section shall not be made:

(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.

(2) EFFECTIVE DATE: The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

To date, CMS has issued no guidance. In order for prescribers to have their prescriptions honored and for pharmacies to be reimbursed for covered outpatient prescription drugs under the Medicaid Outpatient Prescription Drug Program, current practices will soon be altered as required by federal law.

Manner of Issuance of Written, Typed or Computer Generated Prescriptions

It is unknown if CMS will require a single specific format, size or color for the security prescription forms, so pharmacists and prescribers need to be aware of the basic elements for such forms. Security features are used to prevent fraud or diversion.

Description of Security Features

Typically, descriptions of the security features are printed on each security form. Some forms describe each feature in a list on the back of the prescription; however, some forms describe features in “warning bands” across the face or along the edge of the prescription. The description should tell what and where the features are on the form and how to test them.

Examples of security features include:

1. **Latent Repetitive Void Pattern:** The word “void” must appear in a pattern across the entire face of the security prescription form if it is scanned, photocopied, or faxed. Consequently, if a prescription is to be faxed, prescribers are encouraged to use plain paper prescription forms (not security prescription forms) for this purpose. A pharmacist receiving a “void” faxed prescription should always use his or her professional judgment when filling the prescription and contact the prescriber anytime there are questions concerning a prescription’s validity (just as a pharmacist would do with any prescription).
2. **Watermark:** A watermark is often very light but can be seen by holding the form at an angle.
3. **Chemical Void:** A protection that prevents alteration by chemical washing. Any area of the security form that is exposed to ink solvents (e.g., acetone) will cause a “void” pattern to appear or will appear heavily stained. This feature is important to prevent unauthorized changes to a security form after the prescriber has written the prescription.
4. **Thermochromic Ink Feature:** A feature (e.g., a symbol or text) printed in thermochromic ink. Such a feature will change color or disappear temporarily when exposed to heat, such as rubbing briskly with your fingers or with hot breath. An important aspect of this ink is that the feature returns to its original color when it cools.
5. **Opaque Writing:** An area of opaque writing so that the writing disappears if the prescription is lightened.
6. **Quantity Check-off Boxes:** Quantity check-off boxes printed on the form with specific quantity range choices. This feature is important to prevent alteration of the quantity ordered after the prescription is written. The prescriber checks the box next to the quantity range that matches the number of tablets or capsules prescribed for each prescription written. On forms with only one set of check boxes but includes multiple prescriptions on one form, the appropriate quantity range for each prescription written should be checked. If the quantity of two or more prescriptions falls into the same quantity range, the range is checked only once.
7. **Unit Designation:** In conjunction with the quantity check-off boxes referenced above, there should be a space for designating the drug form or unit if the prescribed drug is not in tablet or capsule form (e.g., “ml” for milliliter, “sol” for solution, etc).
8. **Single or Multiple Drug Statements:** Security prescription forms may come in two prescription formats: a single drug format and a multiple drug format. The single drug format should have the following statement printed on the form:

- “Prescription is void if more than one controlled substance prescription is written per blank.”

The multiple drug format has the following printed on the form:

- “Prescription is void if the number of drugs prescribed is not noted” and a line provided for the prescriber to write in or circle the number of drugs prescribed.

9. **Form Batch Numbers:** Security forms may have a unique lot number printed on the forms and each form within that batch is numbered sequentially, beginning with numeral one.

Security Recommendations

Tamper resistant prescription pads should be kept in a secure location preferably under lock and key. Loss or theft of the tamper resistant prescription pad should be reported immediately to local law enforcement officials. Prescriptions presented that are suspected of being fraudulent should also be reported to local law enforcement officials.

Alternatives

The Department will continue to pay for covered outpatient drugs that are called in via telephone, sent by fax or e-prescribed.

Obtaining Tamper Resistant Prescription Pads

It will be the responsibility of the prescriber to identify sources of supply and the responsibility of the prescriber to purchase the tamper proof pads.

This Notice will be updated upon receipt of further guidance from the Centers for Medicare and Medicaid Services.

Questions relating to the notice may be directed to the following personnel: Physician and Mid-Level providers can contact Denise Brunett at (406) 444-3995; Dentists can contact Jan Paulsen at (406) 444-3182; Pharmacy providers can contact Wendy Blackwood at (406) 444-2738.

Contact Information

For claims questions or additional information, contact Provider Relations:

Provider Relations toll-free in- and out-of-state: 1-800-624-3958

Helena: (406) 442-1837

Visit the Provider Information website:

<http://www.mtmedicaid.org>